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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,675	12/17/2003	Akira Yoda	3562-0133P	4112
2292	7590	06/29/2007	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				KUCAB, JAMIE R
ART UNIT		PAPER NUMBER		
3609				
NOTIFICATION DATE		DELIVERY MODE		
06/29/2007		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailto:mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/736,675	YODA, AKIRA
Examiner	Art Unit	
Jamie Kucab	3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

## Disposition of Claims

4)  Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-12 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/15/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to the following communications: Non-provisional application filed December 17, 2003.
2. Claims 1-12 are pending in the case. Claims 1 and 12 are independent.

### ***Information Disclosure Statement***

3. The information disclosure statement filed April 15, 2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the document is not in English. Though a small portion of the document has been translated, this portion of the document fails to adequately describe the content of the document such that its relevance to this application can be determined. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Applicant fails to use proper antecedent basis in the claims. Applicant refers to elements not previously claimed. In general, all recited elements should be introduced with a/an or similar language, and referenced by the/said. See MPEP 2173.05(e) for guidance. Examples of errors in the claims follow; however, a complete listing of the errors would be excessively repetitive.

In lines 1-2 of claim 1, applicant recites "owner's personal information". For purposes of examination and consistent with claim 12, the examiner is reading this as -- an owner's personal information--.

In line 4 of claim 1, applicant recites "the personal information". There is insufficient antecedent basis for this limitation in the claim. For the purpose of examination, the examiner is taking "the personal information" to mean --the owner's personal information--.

In line 5 of claim 1, applicant recites "predetermined accessible persons". It is not clear whether applicant intends this to mean "a plurality of predetermined accessible persons" or "one or more predetermined accessible persons". The examiner is interpreting this limitation as --a plurality of predetermined accessible persons-- consistent with claim 1 lines 8-9.

In lines 13-14 of claim 3, the phrase "or a criterion stricter than the authentication criterion" renders the claim indefinite because the claim includes elements not actually

disclosed (those encompassed by "or a criterion stricter than the authentication criterion"), thereby rendering the scope of the claim unascertainable. See MPEP § 2173.05(d).

In line 4 of claim 12, applicant recites "the personal information". It appears that applicant intends this to mean --the owner's personal information--, and the examiner is taking it as such for the purpose of examination.

The above is not a complete listing of the errors in claims 1-12 (see MPEP 706.03). Appropriate correction and clarification of claims 1-12 is required. This requirement is not limited to the abovementioned examples.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 7, 9, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Houvener et al. (6,070,141).

Regarding claim 1, Houvener et al. disclose an information storing apparatus storing thereon owner's personal information, comprising:

a personal information storing section (disk array 19 in Fig. 3)  
storing thereon the personal information ("the information", col. 10 line 43)  
which is to be disclosed to predetermined accessible persons;

an accessible person information storing section ("valid user database", col. 10 line 40) storing thereon accessible person characteristic information ("first and second ID units", col. 3 lines 55-56) indicating a physical characteristic ("retinal image", col. 9 line 20) of each of the plurality of accessible persons;

a requester authentication section (point of identification terminal 1 in Fig. 1) for receiving requester characteristic information indicating a physical characteristic of a requester who requests the personal information, and for performing authentication processing of the requester using the requester characteristic information and the accessible person characteristic information stored on said accessible person information storing section;

an access level setting section (controller 7 in Fig. 1) for setting an access level, which is a level of the personal information to be disclosed to the requester, when said requester authentication section authenticates the requester as the accessible person; and

a personal information output section (display 6 in Fig. 1) for outputting a part of the personal information stored on said personal information storing section to the requester in accordance with the access level set-up by said access level setting section.

Regarding claim 7, Houvener et al. further disclose wherein said accessible person information storing section stores a plurality of accessible person characteristic

information of each of the accessible persons ("first and second ID units", col. 3 lines 55-56), said requester authentication section receives a plurality of requester characteristic information (steps 220 and 245 in Fig. 6A), and performs authentication processing of the requester using the plurality of accessible person characteristic information and the plurality of requester characteristic information (step 260 in Fig. 6B).

Regarding claim 9, Houvener et al. further disclose wherein said requester authentication section employs face information ("retinal image", col. 9 line 20) as the requester characteristic information and the accessible person characteristic information.

Regarding claim 10, Houvener et al. further disclose the apparatus further comprising an image capturing section ("automated comparison system", col. 9 lines 17-18) for generating the requester characteristic information by capturing an image of the requester.

Regarding claim 11, Houvener et al. further disclose wherein said requester authentication section receives the requester characteristic information from a portable apparatus retained by the requester ("smart card", col. 10 line 29), and said personal information output section outputs the personal information to the portable apparatus retained by the requester and causes the portable apparatus to store the personal information (col. 10 lines 29-30).

#### **Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3609

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2, 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houvener et al. (6,070,141) in view of Schneider et al. (6,105,027).

Regarding claims 2 and 3, Houvener et al. disclose the claimed invention, however, Houvener et al. fail to explicitly disclose the apparatus further comprising an access level storing section storing thereon a personal information level, which is a level of the personal information to be disclosed to the accessible person, and an authentication criterion, which is strictness of the authentication to be performed when the personal information within the personal information level is disclosed, in association with each other, wherein said access level setting section determines the personal information level corresponding to the authentication criterion as at least a part of the access level when said requester authentication section authenticates the requester by the authentication criterion. Schneider et al. teach an access level storing section (Fig. 6) storing thereon a personal information level ("Trust/Data Sensitivity Level" in Fig. 6), which is a level of the personal information to be disclosed to the accessible person, and an authentication criterion ("Minimum Encryption" in Fig. 6), which is strictness of the authentication to be performed when the personal information within the personal information level is disclosed, in association with each other, wherein said access level setting section determines the personal information level corresponding to the authentication criterion as at least a part of the access level when said requester authentication section authenticates the requester by the authentication criterion (col. 18

lines 6-11). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Houvener et al. to include the access level storing section of Schneider et al. in order to provide different levels of access to different users.

Regarding claims 4 and 5, Houvener et al. disclose the claimed invention, however, Houvener et al. fail to explicitly disclose wherein said access level storing section stores the plurality of personal information levels and also stores a lower limit of credibility of the authentication as the authentication criterion corresponding to each of the personal information levels, said requester authentication section outputs the credibility of the authentication for the requester based on the result of the comparison of the requester characteristic information with the accessible person characteristic information, and said access level setting section selects the personal information level of which the lower limit of the corresponding credibility is less than the credibility of the authentication output by said requester authentication section, and sets the access level to the sum of the selected personal information levels. Schneider et al. disclose an access level storing section that stores the plurality of personal information levels ("Trust/Data Sensitivity Level" in Fig. 6) and also stores a lower limit of credibility of the authentication as the authentication criterion corresponding to each of the personal information levels ("Minimum Authentication" in Fig. 6), said requester authentication section outputs the credibility of the authentication for the requester based on the result of the comparison of the requester characteristic information with the accessible person characteristic information (col. 19 line 55 - col. 20 line 11), and said access level setting

section selects the personal information level of which the lower limit of the corresponding credibility is less than the credibility of the authentication output by said requester authentication section, and sets the access level to the sum of the selected personal information levels (col. 19 line 55 - col. 20 line 11). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Houvener et al. to include the access level storing section of Schneider et al. in order to provide different levels of access to different users.

Regarding claims 6 and 12, Houvener et al. disclose the claimed invention, but Houvener et al. fail to explicitly disclose the apparatus further comprising wherein said access level storing section stores the personal information level and the authentication criterion in association with a title of the requester, said requester authentication section further receives the title of the requester from a belonging of the requester, and performs authentication processing of the requester using the authentication criterion by reading the authentication criterion corresponding to the received title from said access level storing section, and said access level setting section sets the access level to the personal information level corresponding to the title of the requester when said requester authentication section authenticates the requester as the accessible person. Schneider et al. teach an access level storing section (access filter 203 in Fig. 2) that stores the personal information level and the authentication criterion in association with a title of the requester ("UserGroupID" in Fig. 13A), said requester authentication section further receives the title of the requester from a belonging of the requester ("SmartCard" in Fig. 13A), and performs authentication processing of the requester

using the authentication criterion by reading the authentication criterion corresponding to the received title from said access level storing section, and said access level setting section sets the access level to the personal information level corresponding to the title of the requester when said requester authentication section authenticates the requester as the accessible person (col. 35 lines 4-23). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Houvener et al. to include the access level storing section of Schneider et al. in order to more efficiently provide information access to groups of users.

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable Houvener et al. (6,070,141) in view of Examiner's Official Notice. Houvener et al. disclose the claimed invention, but Houvener et al. fail to explicitly disclose that the information storing apparatus is retained by the owner. However, the Examiner takes Official Notice that it is old and well known in the art to make an information storing apparatus portable such that it can be retained by the owner. It would have been obvious to a person having ordinary skill in the art at the time of invention to make the information storing apparatus portable such that it can be retained by the owner in order to provide the owner of information with control over the security of that information.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Wilson et al. 2005/0197859

Richardson et al. 2003/0225596

Sugano et al. 2001/0016915

Pare, Jr. et al. 5870723

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Kucab whose telephone number is 571-270-3025. The examiner can normally be reached on Monday-Friday 8:00am-5:30pm EST, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jamie Kucab  
Examiner  
Art Unit 3609

JK

*Lynda Jasmin 6/25/11*  
LYNDA JASMIN  
SUPERVISORY PATENT EXAMINER